

January 20, 2006

Clerk's Office  
United States District Court for the  
District of Massachusetts, Western Section  
Federal Building and Court House  
1550 Main Street  
Springfield, MA 01103-1422

RE: *MARK REAVES v. MASSACHUSETTS ARMY  
NATIONAL GUARD, ET AL.*  
United States District Court for the District of Massachusetts  
Western Section, Civil Action No. 04-30125-MAP

Gentlewomen/Gentlemen:

Remaining defendants Massachusetts Army National Guard ("MAANG") and Raymond Vezina ("Vezina") view the plaintiff Mark Reaves's motion to amend (Docket No. 30-1) as amending the complaint only insofar as MAANG and Vezina are concerned. Magistrate Judge Neiman informed Mr. Reaves at the scheduling conference that he would need to request Judge Ponsor to revisit the dismissal of former defendants Robert Jordan, Thomas J. Sellars, and Richard Nagel, whose motion to dismiss (docket no. 18) was allowed by Judge Ponsor on September 6, 2005. *See* Docket entry dated 09/06/2005. Mr. Reaves's motion to amend offers no reason why the dismissal should be revisited and should be denied to the extent that it may be construed as attempting to revisit or assert new claims against already dismissed persons.

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Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

*/s/ James S. Whitcomb*

James S. Whitcomb  
Assistant Attorney General  
Western Massachusetts Division

JSW/

**CERTIFICATE OF SERVICE**

I, James S. Whitcomb, Assistant Attorney General, hereby certify that this document, filed through the Electronic Case Files system, will, on this 20<sup>th</sup> day of January, 2006, be sent electronically to the registered participant(s) as identified on the Notice of Electronic Filing and will be mailed in paper copy form, by first class mail, postage prepaid, to those indicated non registered participant(s)

*/s/ James S. Whitcomb*

James S. Whitcomb